

REMARKS/ARGUMENTS

Claims 21-67 are pending. By this Amendment, claims 38, 43 and 64 are amended. Reconsideration in view of the above amendments and the following remarks is respectfully requested.

At the outset, Applicants respectfully submit that all of claims 1-20 were canceled upon filing of the present application. Claims 2-20, specifically, were canceled in box 14 of the application transmittal.

Claims 11, 12, 13, 28-30 and 64-67 were rejected under 35 U.S.C. § 102(b) over Feeney (WO 87/01950). This rejection is respectfully traversed. At the outset, the rejection of claims 11-13 is not addressed as those claims have been canceled.

With regard to claim 28, Feeney fails to teach or suggest a mask frame and a pair of female connector portions formed in one piece with the mask frame and being configured to receive the male connector portions therein. Instead, Feeney discloses a pair of mounting posts 14 on each side of mask frame 14. The mounting posts are not female connector portions, as recited in claim 28. Furthermore, Feeney's connecting elements which are attached to each end of the headgear straps do not constitute male connector portions, as recited in claim 28.

With regard to claim 64, Feeney does not teach or suggest a respiratory mask and headgear combination in which one of the first and second connector portions includes an elastically movable component which defines in part a quick-release connection to release the at least one attachment strap from the mask assembly, wherein the first connector portion and the second connector portion are releasably lockable with respect to one another and a selected connector portion of the first and second connector portions is integrally formed in one piece with the mask assembly.

Instead, Feeney teaches a cylindrical post 14 which receives a circular aperture provided in the connector portion provided to each end of the headgear straps.

Dependent claims 29, 30 and 65-67 are patentable by virtue of their dependency on claims 28 and 64, respectively.

Reconsideration and withdrawal of the rejection are respectfully requested.

Claims 21, 39, 41, 47, 48 and 60 were rejected under 35 U.S.C. § 103(a) over Feeney in view of Tuman (U.S. Patent No. 5,205,832). This rejection is respectfully traversed.

With respect to claim 21, neither Feeney nor Tuman teaches or suggests that a female connector is formed in one piece with the mask frame. Instead, Feeney teaches a male connector, i.e., post 14, which is formed in one piece with the mask frame. Tuman does not make up for this deficiency. Moreover, Tuman essentially teaches the arrangement as shown in Prior Art Figure 2a of the present application in which both connection elements are provided along an intermediate portion of the headgear. In other words, both connector portions are connected to floppy headgear straps, each of which may become mispositioned during the mask assembly process.

Similarly, neither Feeney nor Tuman teaches or suggests that the first connector portion is a female connector formed in one piece with the mask frame, as recited in claim 39. Even if the frame of Feeney is considered to be a female connector portion, the end connector portions of Feeney's head strap cannot be considered corresponding male connectors, as set forth in claim 39.

With regard to the rejection of independent claims 41, 48 and 60, Applicants respectfully submit that the Patent Office is relying on impermissible hindsight. One of ordinary skill in the art considering the combined disclosures of Feeney and Tuman would not arrive at the subject

matter set forth in claims 41, 48 and 60. In particular, there is no teaching or suggestion to provide Tuman's press release connection to Feeney's connection mechanism, absent the use of impermissible hindsight. Tuman merely shows the arrangement shown in Prior Art Figure 2a of the present invention, whereby each end of a floppy strap is provided with a connector portion which together form a press release connection. The disadvantages of this approach are described in the present specification. There is simply no motivation to make one of Tuman's connector portions integral with the Feeney frame.

Reconsideration and withdrawal of the rejection are respectfully requested.

Claims 21-67 were rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims of U.S. Patent No. 6,374,826. Applicants respectfully traverse the rejection because the Office Action has not identified any differences between the patented and pending claims, and there is no statement that one of ordinary skill in the art would have been motivated to modify the patented claims, i.e., by removing or adding features, to arrive at the subject matter of the present application claims.

Reconsideration and withdrawal of the rejection are respectfully requested.

Applicants appreciate the indication that claims 62 and 63 define patentable subject matter. However, in view of the above amendments and remarks, Applicants respectfully submit that all the claims are patentable and that the entire application is in condition for allowance.

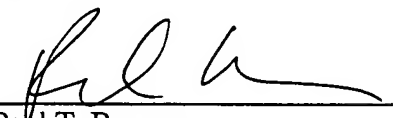
GUNARATNAM et al
Appl. No. 10/090,173
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Should the Examiner believe that anything further is desirable to place the application in better condition for allowance, he is invited to contact the undersigned at the telephone number listed below.

Respectfully submitted,

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